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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
 ORACLE AMERICA, INC., a Delaware
 corporation; and ORACLE INTERNATIONAL
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
 SETH RAVIN, an individual,

Defendants.

CASE NO. 2:10-cv-0106-LRH-PAL

**DECLARATION OF KIERAN P.
 RINGGENBERG IN SUPPORT OF
 ORACLE'S MOTION FOR COSTS AND
 ATTORNEYS' FEES**

Judge: Hon. Larry R. Hicks

REDACTED PUBLIC VERSION

1
2 I, Kieran P. Ringgenberg, declare as follows:

3 1. I am an attorney admitted to practice law in the State of California and before the
4 Court in this action *pro hac vice*. I am a partner with Boies, Schiller & Flexner LLP, counsel to
5 Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation
6 (collectively “Oracle” or “Plaintiffs”) in this action. This declaration is made in support of
7 Oracle’s Motion for Costs and Attorneys’ Fees (“Motion”).

8 2. I have been involved in this matter since Oracle first retained Boies, Schiller &
9 Flexner LLP. Based on my work on this matter since 2010, my involvement in billing on this
10 matter, and my review of the files and records in this matter, I have firsthand knowledge of the
11 contents of this declaration, except where otherwise noted as based on information and belief,
12 and I could testify thereto.

13 **Boies, Schiller & Flexner LLP Fees and Billing Practice**

14 3. Boies, Schiller & Flexner LLP (“BSF”) began work on this matter in January
15 2010. Exhibit 1 is a summary of Oracle’s fees and costs incurred by BSF, including billable
16 time and out-of-pocket costs subject to reimbursement by Oracle. Each of the line items is
17 further detailed in this declaration.

18 4. True and correct, redacted copies of BSF’s invoices to Oracle on this matter for
19 time and expenses through September 2015 are attached as Exhibits 3 (2010), 4 (2011), 5 (2012),
20 6 (2013), 7 (2014), and 8 (2015). Time entries and expenses for which Oracle does not seek
21 recovery have been redacted from these invoices, as have payment details such as bank account
22 numbers.

23 5. Exhibit 2 totals the number of unredacted hours of billable time from BSF
24 attorneys and other billable timekeepers reflected on the invoices attached as Exhibits 3 to 8.
25 Exhibit 2 lists the hours for each timekeeper.

26 [REDACTED]
27 [REDACTED]
28 7. The totals in Exhibits 1 and 2 do not include billed and paid amounts for block-
billed entries where all or part of the description of the work was redacted due to privilege or

1
2 other reasons.

3 8. Oracle paid the amounts due for all bills attached as Exhibits 3-8, for the amounts
4 described in those bills and summarized in Exhibits 1 and 2, except for the September 2015 bill,
5 which is in process for payment.

6 9. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 10. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 11. The manner in which Rimini litigated this case significantly increased BSF's
16 billed time and expenses. Rimini's misrepresentations regarding cross-use, misrepresentations
17 regarding its use of Siebel and JD Edwards software, spoliation of evidence, repeated failure to
18 produce timely and accurate discovery responses, among other conduct, resulted in significantly
19 more BSF attorney time and expert fees to prove Oracle's meritorious case than would have
20 otherwise been required. For example, among other things, Rimini's spoliation,
21 misrepresentations, and refusals to admit facts required substantial time from attorneys and
22 technical experts to search for, analyze, and in some cases depose witnesses about documents
23 and technical information in order to determine and establish the truth about Rimini's practices
24 and conduct.

25 12. In connection with Oracle's Motion, I personally reviewed the billing records for
26 this case, and others on the team reviewed them as well. All timekeepers track their time by the
27 day to the nearest tenth of an hour. Based on my review and involvement in this matter, the time
28 billed by BSF attorneys and other timekeepers, and the expenses incurred, requested in Oracle's
Motion were reasonable in light of the needs of the case, the complexity of the issues, and the

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2 conduct of defendants during the course of the litigation.

3 13. Oracle's team of in-house counsel was closely involved in the litigation of this
4 matter, monitored BSF's work, and reviewed BSF's bills. Oracle's in-house counsel often asked
5 questions about BSF's bills and, on occasion, requested that time for some tasks, or certain
6 expenses, be reduced or written off. Those reductions or write-offs are reflected in the invoices
7 attached as Exhibits 3-8, either as time entries marked "No Charge" or in credits applied to
8 subsequent bills. The summaries in Exhibits 1 and 2 exclude all the time and expenses that were
9 reduced or written off at Oracle's request.

10 BSF'S Timekeepers

11 14. **William A. Isaacson** is a partner with BSF. He graduated from the University of
12 Virginia School of Law, *Order of the Coif*, in 1986 and served as law clerk to Hon. Harrison L.
13 Winter, Chief Judge, United States Court of Appeals for the Fourth Circuit, from 1986 to 1987.
14 Among others, Mr. Isaacson served as trial counsel in *O'Bannon v. NCAA* (N.D. Cal.), *In re*
15 *Apple iPod iTunes Antitrust Litigation* (N.D. Cal.), *Animal Science Products v. Mitsui & Co.*
16 (D.D.C.), and *In re Scrap Metal Antitrust Litigation* (N.D. Ohio). He is a member of the faculty
17 of The Sedona Conference on Antitrust Law & Litigation and has received numerous awards,
18 including being named one of the 500 leading lawyers in the U.S. by the publication *Lawdragon*
19 (2013-2014), winning The AmLaw Litigator of the Week three times (2013 & 2014), and being
20 named competition MVP and Titan of the Plaintiff Bar by Law360 (2014). His billing rate in
21 this matter is listed below:

- 22 • [REDACTED]

23 15. **Karen L. Dunn** is a partner with BSF. She graduated from Yale Law School in
24 2006. She served as law clerk to Justice Stephen G. Breyer, Supreme Court of the United States
25 from 2007 to 2008 and to Hon. Merrick B. Garland, United States Court of Appeals for the
26 District of Columbia from 2006 to 2007. In 2015, she was named one of *The National Law*
27 *Journal's* Outstanding Women Lawyers. Among other matters, she served as trial counsel in *In*
28 *re Apple iPod iTunes Antitrust Litigation* (N.D. Cal.). Prior to joining BSF, she worked in the
White House as Associate Counsel to President Barack Obama, in the Eastern District of

1
2 Virginia as an Assistant United States Attorney, and in the Senate as communications director
3 and a senior advisor to Hillary Rodham Clinton. Her billing rate in this matter is listed below:

4 • [REDACTED]

5 16. **Steven C. Holtzman** is a partner with BSF. He graduated from University of
6 California, Berkeley, Boalt Hall School of Law in 1989. He serves as law clerk to Hon.
7 Malcolm M. Lucas, Chief Justice, California Supreme Court from 1989 to 1990. Prior to joining
8 Boies, Schiller & Flexner LLP, Mr. Holtzman was a Trial Attorney with the Antitrust Division of
9 the United States Department of Justice in San Francisco. He was a senior member of the trial
10 and investigative team in *United States v. Microsoft Corporation* (D.D.C. 1998). His billable
11 rates in this matter are listed below:

12 • [REDACTED]

13 • [REDACTED]

14 • [REDACTED]

15 17. I, **Kieran Ringgenberg**, am a partner at BSF. I graduated *magna cum laude* from
16 New York University School of Law in 1999, where I was Executive Editor, *NYU Law Review*.
17 From 1999 to 2000, I served as law clerk to the Hon. Pasco M. Bowman, United States Court of
18 Appeals for the Eighth Circuit. My practice focuses on complex intellectual property and
19 antitrust litigation. My billing rates in this mater are listed below:

20 • [REDACTED]

21 • [REDACTED]

22 • [REDACTED]

23 • [REDACTED]

24 • [REDACTED]

25 • [REDACTED]

26 18. **Richard J. Pocker** is a partner at BSF. He graduated from the University of
27 Virginia School of Law in 1980. Mr. Pocker served in the U.S. Army Judge Advocate General's
28 Corps and in the United States Attorney's Office in the District of Nevada, including as the Chief
Assistant U.S. Attorney and as the Unites States Attorney. Since 2011 he has served on the

Nevada State Bar's Board of Governors. His hourly rates in this matter are listed below:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

19. **Douglas R. Mitchell** is a partner at BSF. He graduated from the J. Rueben Clark Law School in 1989. He served as law clerk to Hon. Lloyd D. George, United States District Court for the District of Nevada from 1989 to 1990. His hourly rate in this matter is listed below:

- [REDACTED]

20. **William F Norton** was a partner at BSF. He graduated, *magna cum laude*, from New York University School of Law in 1999. He served as Senior Articles Editor of the *NYU Law Review*. He served as law clerk to Hon. M. Blane Michael, United States Court of Appeals for the Fourth Circuit, 1999-2000. His hourly rates in this matter are listed below:

- [REDACTED]
- [REDACTED]
- [REDACTED]

21. **Beko O. Reblitz-Richardson** is a partner at BSF. He graduated from the University of California, Berkeley, Boalt Hall School of Law in 2005 and served as Articles Editor of the *Ecology Law Quarterly*. His hourly rates in this matter are listed below:

- [REDACTED]
- [REDACTED]

22. **John Neukom** was an associate at BSF. He graduated from Stanford Law School in 2004. He was Executive Editor of the *Stanford Law Review*. He served as law clerk to Hon. Jose A. Cabranes, United States Court of Appeals for the Second Circuit from 2004 to 2005. His hourly rate in this matter is listed below:

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2

- [REDACTED]

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22. **Nasrina Bargzie** was an associate at BSF. She graduated from University of California, Berkeley, Boalt Hall School of Law in 2005, *Order of the Coif*. She served as a law clerk to Hon. William A. Fletcher, United States Court of Appeals for the Ninth Circuit from 2005 to 2006. Her hourly rates in this matter are listed below:

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- [REDACTED]

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- [REDACTED]

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23. **Marguerite Hogan** was an associate at BSF. She graduated from University of California, Berkeley, Boalt Hall School of Law in 2007. She was a member of the *California Law Review*. Her hourly rate in this matter is listed below:

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- [REDACTED]

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24. **Darien Meyer** was an associate with BSF. He graduated from the University of California, Berkeley, Boalt Hall School of Law, in 2010. He was a member of the *California Law Review*. His hourly rates in this matter are listed below:

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- [REDACTED]

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- [REDACTED]

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- [REDACTED]

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25. **Meredith R. Dearborn** is an associate with BSF. She graduated from the University of California, Berkeley, Boalt Hall School of Law, in 2009, *Order of the Coif*. She was Senior Supervising Editor of the *California Law Review*. Ms. Dearborn served as a law clerk to Hon. John C. Coughenour, United States District Court for the Western District of Washington from 2009 to 2010. Her hourly rates in this matter are listed below:

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- [REDACTED]

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- [REDACTED]

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26. **Sean Rodriguez** is an associate at BSF. He graduated from Stanford Law School in 2008 and was Senior Editor of the *Stanford Law Review*. He served as law clerk to Hon. Mariana Pfaelzer, United States District Court for the Central District of California, from 2008 to 2009. His hourly rates in this matter are listed below:

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• [REDACTED]

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• [REDACTED]

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• [REDACTED]

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• [REDACTED]

6

• [REDACTED]

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27. **Alexis Loeb** was an associate with BSF. She graduated from Harvard Law School, in 2008, *cum laude*. She served as a law clerk to Hon. Denise Cote, United States District Court for the Southern District of New York from 2008 to 2009. Her hourly rates for this matter are listed below:

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11

• [REDACTED]

12

• [REDACTED]

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• [REDACTED]

14

• [REDACTED]

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28. **Meryl C. Governski** is an associate at BSF. She graduated from Georgetown University Law Center, *cum laude*, in 2014. She received her Masters degree in Broadcast Journalism in 2004 at Northwestern University. Her hourly rate for this matter is listed below:

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• [REDACTED]

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29. **Josh Sheptow** was an associate at BSF. He graduated from Stanford Law School in 2010. He received his Ph.D. in Philosophy in 2010 from the University of California, Berkeley. His hourly rates for this matter are listed below:

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• [REDACTED]

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• [REDACTED]

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30. **Gregory Dubinsky** is an associate at BSF. He graduated from Yale Law School in 2011. He was Executive Editor of *Yale Law Journal*, Articles Editor of *Yale Journal of International Law*, and Student Director of the Yale Supreme Court Clinic. He served as a law clerk to Justice Anthony Kennedy, United States Supreme Court, from 2013 to 2014, and to Hon. Brett Kavanaugh, United States Court of Appeals, District of Columbia Circuit, from 2012 to 2013, and to Hon. Gary Feinerman, United States District Court, Northern District of Illinois,

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2 from 2011 to 2012. His hourly rate for this matter is listed below:

- 3 • [REDACTED]

4 31. **Alexander J. Konik** is an associate at BSF. He graduated from Columbia Law
5 School in 2014. He was a James Kent Scholar. His hourly rates for this matter are listed below:

- 6 • [REDACTED]

- 7 • [REDACTED]

8 32. **Christina Seki** is a case manager coordinator at BSF. Her hourly rates for this
9 matter are listed below:

- 10 • [REDACTED]

- 11 • [REDACTED]

- 12 • [REDACTED]

- 13 • [REDACTED]

14 33. **Catherine Duong** is a case manager at BSF. Her hourly rates for this matter are
15 listed below:

- 16 • [REDACTED]

- 17 • [REDACTED]

- 18 • [REDACTED]

- 19 • [REDACTED]

- 20 • [REDACTED]

- 21 • [REDACTED]

22 34. **Ashleigh Jensen** is a paralegal at BSF. Her hourly rates in this matter are listed
23 below:

- 24 • [REDACTED]

- 25 • [REDACTED]

26 35. **Jason Lipton** was a case manager at BSF. His hourly rates for this matter are
27 listed below:

- 28 • [REDACTED]

- [REDACTED]

36. **Sheilah Buack** was a case manager at BSF. Her hourly rates for this matter are listed below:

- [REDACTED]
- [REDACTED]

37. **Jerren Holdip** is a case manager coordinator at BSF. His hourly rate for this matter is listed below:

- [REDACTED]

38. **Chapman Good** is a special projects coordinator at BSF. His hourly rate in this matter is listed below:

- [REDACTED]

39. **Roderick Crawford** is a paralegal at BSF. His hourly rate in this matter is listed below:

- [REDACTED]

40. **Sharon Zack** is a paralegal at BSF. Her hourly rate in this matter is listed below:

- [REDACTED]

41. **Shilah Wisniewski** is a legal assistant at BSF. Her hourly rate in this matter is listed below:

- [REDACTED]

Expenses

42. In addition to attorneys' fees, Oracle incurred costs relating to this case, including travel, court fees, copying costs, delivery costs, and expert costs. The costs incurred by BSF subject to reimbursement by Oracle, and sought by Oracle on its Motion, totaled \$5,001,133.09. A summary of those costs is contained in Exhibit 1. True and correct copies of invoices to Oracle reflecting these costs, redacted to remove entries not sought in Oracle's Motion, are contained in Exhibits 3-14 to this declaration.

43. BSF maintains accounting records in the ordinary course of business in which expenses are logged as they are incurred. The accounting records include a record of every expense incurred during the course of this matter subject to reimbursement. The expenses

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2 charged to (and paid by) Oracle in this case are reflected in the monthly bills attached as
3 Exhibits 3-8, except for the September 2015 invoices, payment of which is in process. Those
4 costs are summarized in Exhibit 1 hereto. In this case, BSF did not bill Oracle for computerized
5 legal research costs or cost incurred relating to overtime (such as meals and transportation when
6 working late).

7 44. Oracle incurred costs from Elysium Digital, L.L.C. (“Elysium”) in this matter.
8 Elysium billed for the time of testifying expert Christian Hicks and also provided computer
9 scientists and other specialized staff who supported Mr. Hicks and testifying expert Professor
10 Randall Davis. Elysium also provided necessary support to Oracle attorneys on the numerous
11 technical matters in connection with this litigation.

12 45. True and correct copies of the invoices from Elysium through September 30, 2015
13 are attached as Exhibits 9 to 12, excluding bills and redacting to omit time entries reflecting
14 costs Oracle is not seeking to recover and also redacted to omit payment details such as bank
15 account numbers. The total non-redacted amounts paid to Elysium are \$4,456,615.52. These
16 costs are summarized in Exhibit 1.

17 46. Oracle incurred costs from Legal Media Inc. Legal Media Inc. provided trial
18 graphics and video in this matter, including for the services of Matthew Spalding, who
19 displayed the graphics and videotaped deposition testimony during trial. Certain amounts of
20 billing from Legal Media Inc. were included in BSF’s monthly bills attached as Exhibits 3 to 8.
21 In addition, for the month of September 2015, a separate invoice issued for Legal Media Inc.’s
22 costs in the amount of \$111,722.31. A true and correct copy of the invoices from Legal Media
23 Inc. is attached as Exhibit 13, redacted to exclude payment details such as bank account
24 numbers. These costs are summarized in Exhibit 1.

25 47. Oracle also incurred costs of \$47,600 from Davidson Reporting for trial
26 courtroom reporting in this matter. The parties used daily transcripts repeatedly at trial. An
27 invoice reflecting those expenses is attached as Exhibit 14, redacted to exclude payment details
28 such as bank account numbers. The amount is summarized in Exhibit 1.

I declare that the foregoing is true under penalty of perjury of the laws of the United

States.

Executed this 13th day of November, 2015, at Oakland, California.

/s/ Kieran Ringgenberg
Kieran Ringgenberg

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ATTESTATION OF FILER

The signatory to this document is Kieran Ringgenberg, and I have obtained Mr. Ringgenberg’s concurrence to file this document on his behalf.

Dated: November 13, 2015

MORGAN, LEWIS & BOCKIUS, LLP

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